

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Independent claims 1 and 7 have been amended by specifying that the areas of higher basis weight consist of synthetic fibers. Support is found in paragraph [00017] at page 7 referring to the random fibers as being polypropylene. The language "consists of" is intended to eliminate fibers which are wood pulp.

In the interests of advancing prosecution, Applicants herewith provide comments directed at rejections in the last Office Action.

Claims 1, 3-4 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suskind et al. (US Patent 4,808,467). Applicants traverse this rejection.

Suskind is focused upon a textile containing wood pulp. Throughout the reference wood pulp is given great emphasis. See column 1 (lines 6, 10, 14, 59 and 65), column 2 (lines 14-15, 32, 37, 39, 42, 46, 50, 63 and 66-67), column 3 (lines 1, 46, 53, 60, 63 and 68), column 4 (lines 38 and 40) as well as all the independent claims (i.e. claims 1, 13 and 14). Without exception the Examples all require an outer wet laid web of at least 60% wood pulp. The problems, objectives and solutions in Suskind all involve issues of wood pulp fibered textiles.

By contrast, the presently claimed invention is a hydroentangled textile formed of only synthetic fibers such as polypropylene on both sides. There is no wood pulp problem that is being solved nor is wood pulp incorporated into this textile. Anyone skilled in the art in developing a non-wood pulp containing textile would not consider Suskind as a relevant reference. The properties and effective use of wood pulp based fabric is quite distinct from essentially totally synthetic fibered textiles.

Claims 7-9, 12 and 16 were rejected under U.S.C. § 103(a) as unpatentable over Suskind et al. and further in view of Wagner et al. (US Patent 5,951,991). Applicants traverse this rejection.

Th Examiner has correctly noted that Suskind et al. does not disclose or teach cleansing compositions comprising a lathering surfactant for use with a non-woven hydroentangled textile.

Wagner et al. was cited for disclosing lathering surfactants combined with hydroentangled textiles.

There are countless textiles available. Wagner et al. itself provides a formidable list of suitable textiles. See column 5 (line 60) bridging to column 8 (line 42). None of the recited water insoluble substrates have a construction of any similarity to that of Suskind. Indeed, Suskind under Example 4 compares the inventive fabric favorably against a commercially available textile identified as Sontaro® from the Dupont Company. In Wagner one of the suitable substrates is also Sontaro®. See column 8 (line 4). While the Wagner reference to Sontaro® might not be a teaching away, nonetheless this indicates that those skilled in the art would not obviously be led to the Suskind textiles for use with a lathering surfactant fabric.

Neither Suskind nor Wagner et al. disclose the Air Permeability of 300 to 1000. Applicants have demonstrated the special effectiveness for samples having an Air Permeability within the claimed range. Attention is drawn to the present specification at page 13. The Table under paragraph [00032] compares Air Permeability to Lather Release. Samples I and VI with Air Permeabilities of respectively 266 and 250 had poor ratings for Lather Release. Performance began to increase to at least a fair level above these values. For instance, samples IV and V with Air Permeability values of 371 and 341 revealed fair Lather Release properties. Further improvements were seen through sample II, III and VII with respective Air Permeability of 477, 678 and 529.

Suskind appears to use the same Air Permeability ASTM D737 test as utilized by applicants. Example 4 of Suskind reports an Air Permeability value of 148. See Table III. Example VI reports resultant fabric with Air Permeability of 248. See Table V. These values are less than the minimum 300 value required by the claims. Moreover, applicants have demonstrated that even the highest Air Permeability value of Suskind, i.e. 248 will result in a poor Lather Release result. Compare applicants' Sample VI at page 13. Anyone skilled in the art would not have obviously arrived at the presently claimed invention from consideration of the Suskind teachings or their combination with Wagner.

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suskind et al. and Wagner, and further in view of Bergquist (US Patent 6,723,330 B2). Applicants traverse this rejection.

None of the three references discloses a textile having the claimed Air Permeability range. Applicants have shown special utility for a textile structured with the claimed high and low basis weight and 300 to 1000 Air Permeability. See comparative tests under the Example of the present specification.

Suskind et al. provides no suggestion or teaching that the textile disclosed therein would have any utility as a personal cleansing article. Those skilled in the art viewing the enormous literature of textile technology would not have selected the Suskind et al. fabric to deliver a formulation with surfactant or foaming ingredients.

Claims 13 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suskind et al. and Wagner et al. in further view of Brooks (US Patent Application 2003/0207632 A1). Applicants traverse this rejection.

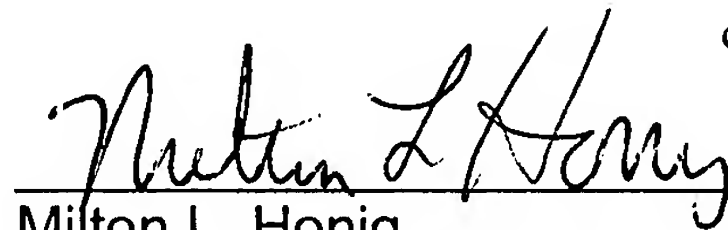
Neither Brooks nor any of the other references discloses the criticality of an Air Permeability ranging from 300 to 1000. Applicants have shown that Suskind et al. exemplifies fabrics with Air Permeability below 300. See Example VI with an Air Permeability of 248. Applicants have demonstrated that fabrics with Air Permeability of 250 give relatively poor Lather Release results. Those skilled in the art would not have arrived at the present invention through the combination of references.

Brooks was specifically cited for teaching non-woven hydroentangled synthetic fibers such as polypropylene. The present independent claims require that the areas of higher basis weight which sandwich the central area of low basis weight consist only of synthetic fibers. Suskind et al. is emphatic throughout the full text, Examples and claims that any areas of higher basis weight must include wood pulp. Indeed, wood pulp fibers are the essence of Suskind et al. Therefore, anyone skilled in the art using

Suskind as primary reference would be led away from utilizing solely synthetic fibers in the areas of higher basis weight. Suskind et al. teaches away from any suggestion in Brooks to utilize synthetic fibers as the sole fibers type.

Applicants look forward to receiving the next Office Action at the Examiner's earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Milton L. Honig", is written over a horizontal line.

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